

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STANLEY RIMER,

Plaintiff(s),

v.

BRIAN SANDOVAL, et al.,

Defendant(s).

Case No. 2:13-CV-1440 JCM (GWF)

ORDER

Presently before the court is *pro se* plaintiff Stanley Rimer's motion to set aside the judgment. (ECF No. 138). Defendants, Brian Sandoval, *et al.*, filed a response in opposition, (ECF No. 139), and plaintiff filed a reply. (ECF No. 141).

In the instant motion, plaintiff requests that the court reconsider its order granting summary judgment in favor of defendants. (ECF No. 138).

Under Rule 60(b), a court may relieve a party from a final judgment, order or proceeding in the following circumstances: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief from the judgment. *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985); *see also De Saracho v. Custom Food Mach., Inc.*, 206 F.3d 874, 880 (9th Cir. 2000) (noting that the district court's denial of a Rule 60(b) motion is reviewed for an abuse of discretion).

While a motion for reconsideration allows a party to bring a material oversight to the court's attention, it is not appropriate for a party to request reconsideration merely to force the court to "think about [an] issue again in the hope that [it] will come out the other way the second

1 time.” *Teller v. Dogge*, 2013 WL 508326, at *6 n.6 (D. Nev. 2013); *see also Palmer v. Champion*
2 *Mortgage*, 465 F.3d 24, 30 (1st Cir. 2006).

3 Plaintiff fails to satisfy the legal standard to warrant the court’s reconsideration of its order
4 granting summary judgment. In his motion, plaintiff asserts that this court’s judgment is void
5 because it granted defendants’ summary judgment motion “without fair notice” to plaintiff and
6 “eliminated” rights guaranteed by precedents of the United States Supreme Court and Ninth Circuit
7 Court of Appeals.

8 Plaintiff’s claims are meritless. Plaintiff filed the complaint, actively participated in
9 litigation, filed numerous motions during the course of litigation, and filed an opposition to
10 defendants’ motion for summary judgment. Plaintiff had more than fair notice that the court would
11 rule on defendants’ pending motion for summary judgment. Furthermore, plaintiff offers no
12 evidence to support his claims that this court improperly granted summary judgment in defendants’
13 favor. Plaintiff simply rehashes old arguments, refers to evidence that has already been considered,
14 and discusses previously cited authorities.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff motion to set
17 aside the judgment, (ECF No. 138), be, and the same hereby is, DENIED.

18 DATED July 18, 2016.

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UNITED STATES DISTRICT JUDGE